

**WV DEVELOPMENTAL DISABILITIES COUNCIL MEETING  
OCTOBER 28, 2008  
Summit Conference Center, Charleston, WV  
MINUTES**

**Members Present:** Christy Black, Bob Cain, Joyce Church, Richard Covert, Ronald Dean, Jeannie Elkins (Chair), Ginny Gattlieb, Sandy Haberbosch, Stephanie Jackson, Amber Hinkle, Janice Holland, Carlos Lucero, Jane McCallister, Julie McClanahan, Pat Moss, Libby Nester, Richard Perry, Zila Schemel, Parul Shah, John David Smith, Kevin Smith, LuAnn Summers, Donald Thraikill, and Pat Winston (afternoon presentation only).

**Members Absent:** Clarice Hausch, Jeff Marr, Clint Martin, Jerry Ramsey, Karen Robinson, and Karen Ruddle.

**Staff Present:** Steve Wiseman, Jim Cremeans, and Linda Higgs. Johnathon Hankins and Tiffany Wiseman for lunch only.

**Guests:** Susan Given – WV Advocates, Randy Hill – APS Healthcare, Katherine Randall and Jan Derry – Northern WV Center for Independent Living, and Aubrey Wiseman (for lunch only).

**Welcome, Introductions, and Announcements**

Jeannie called the meeting to order and all present introduced themselves.

Jeannie thanked Libby for attending the last State Family Support Council meeting on behalf of the Council, and announced that Clint was ill and unable to attend the meeting. A card for Clint was passed around for all to sign.

Steve announced that Johnathon Hankins will be leaving the Council staff effective November 7. Council Members noted their appreciation for the timeliness of their travel reimbursements, which Johnathon handles. Jeannie informed Members they would be able to express their appreciation to him in person, as he will be joining the Council for lunch.

**Mission Statement Reminder**

Don read the Council's Mission Statement.

**Public Comments**

None.

Jeannie walked Members through the contents of the meeting packets. She reminded Members that a list of the Council's meeting dates for 2009 was included in the packet, and called attention to the dates for the April and October, 2009 meeting dates. These two meetings are not being held on the fourth Tuesday, but the third Tuesday, due to scheduling conflicts with the Council's national association meetings. The dates for 2009 meetings will be as follows: January 27, April 21, July 28, and October 20.

Don asked Council staff to please include zip code information with meeting locations, for use with GPS navigation systems.

### **Approval of July 22, 2008 Meeting Minutes**

Steve noted the month of the People First conference listed in the Minutes. Should be October, rather than November.

Joyce asked that a comment be added to the Minutes expressing how nice it was to have families join Members at the Retreat, and how enjoyable the Tango lessons were.

**Kevin moved the Minutes be approved with the changes suggested. Ron seconded. Motion carried.**

### **Update on Council Staff Activities**

Jim reported that he has been working on the Program Performance Report (PPR), which is the end-of-year federal report required by the Administration on Developmental Disabilities. The PPR describes the extent to which the Council achieved its State Plan goals over the last federal fiscal year. He said that he has also been working to get the Council's new FY 2009 grants established, including new projects in employment and self-advocacy. Another activity he is working on is the Parent Education Toolkit/Resource Guide Workgroup, which is a collaborative effort with the WV Advocates and includes Susan Given, Jeannie, Ginny, Stephanie, Christy, and former member, Christina Smith. The purpose of the toolkit is to assist families in navigating the education system, with a focus on the understanding student rights, and the grievance process. Finally, Jim said that he is the lead staff in overseeing the direct support workforce study being carried out by the WVU Center for Excellence in Disabilities.

Linda stated she has been scheduling the Council's training events for 2009 and working to develop a PASSING report.

Steve reported that he has staffed a Council Workgroup to develop the Council's Legislative Priorities for the upcoming session. He attended and made comments at the Health Care Authority's public forum on Certificates of Need (CON) for long-term-care earlier in October, and will also develop comments for the CON public forum in November on "behavioral health." He made a presentation at the NACDD conference on Social Role Valorization, and will be speaking to a class at WVU next month. Steve has also been very involved in getting the new grants up and running and dealing with the new requirements the DHHR has developed for grants this year, which have turned out to be a positive development in his opinion.

Jeannie expressed her appreciation to the staff for keeping up with all the Council's commitments while being short staffed.

### **New Business**

**Meeting Dates and Locations:** Jeannie noted the dates and locations for the 2009 meetings of the Council earlier in the meeting.

**Legislative Priorities for 2009 Session:** Richard Covert reported on behalf of the Council Workgroup.

LuAnn recommended removing the item dealing with supported employment in the DRS budget, as the money is being made available through DRS funds and more money from the Legislature is not being requested by DRS.

**Sandy moved that the Council's Legislative Priorities be approved with this change. Don seconded. LuAnn summers abstained. Motion carried.**

Based on the discussion were about the Legislative Priorities two Workgroups were formed.

Ginny raised the concern that once children exit the school system, adult services are not mandatory. This led to a discussion about "provider of last resort." Council Members who expressed an interest in serving on a Workgroup to look at concerns for unserved and underserved adults included: Jeannie, Christy, Stephanie, Ginny, Sandy, Kevin, Bob, Richard P, Richard C, Parul, Amber, Libby, Jim, and Pat Winston.

Dr. Lucero raised two concerns – 1) that 3<sup>rd</sup> party payers do not cover the costs/time associated with providing services to individuals with special

health care needs, and 2) whether there could be a legislative approach to mandating medical schools to provide training for residents on dd issues. Amber mentioned that all second year students at the Osteopathic School spend a day at the Open Doors.

Council Members who expressed an interest in serving on a Workgroup to look at what is being done, has been done, can be done to educate medical personnel included: Dr. Lucero, Parul, John David, Kevin, Ginny, Stephanie, and Christy. John David suggested Dr. Bob Walker, Vice Chancellor of Higher Education Policy, as a resource on this issue.

### **Other Business**

**Members' Comments:** Don advised Members he had recently heard about Waiver clients being housed at Sharpe Hospital. He was told there were maybe 18 such people, and they were at Sharpe either because a place to live could not be found for them, or they were violent.

Susan Given, WVA, advised the Members there may be twice that number of Medley Class Members in Sharpe and Bateman, and that EMS/TSN has the Medley contract with the State of WV. She also informed Members that EMS/TSN has filed a class action suit in Circuit Court on behalf of a Medley Members held at Bateman Hospital.

Don also informed Members that after seeing the Clyde's Karate video, he approached his church's Cub Scout and Boy Scout troops about including children with developmental disabilities, and they seem willing to do so, particularly the Cub Scouts.

Jeannie advised Members that due to time constraints, the Informational Update section of the Agenda would be moved to the end of the meeting.

### **Presentations**

**DD Division – Pat Winston:** Pat provided an update on the many changes that have been happening at BHHF.

The Deputy Commissioner, Sheila Kelly, has departed and is now working at the Health Care Authority.

The DD Division is now divided into two units – Waiver and Community Supports. Jon Sassi is over the Waiver unit. Cassandra Toliver is over the Community Supports unit, which includes Family Support, Unmet needs, TBI, Transitional Living, and Supported Employment.

The Division's goal for self-direction in the MR/DD Waiver is to have it intertwined with the 2010 Waiver renewal.

The Division plans to hold 6-9 regional public forums for the Waiver renewal which will begin in early 2009.

The Division is working on a Statement of Work and a purchasing agreement to begin moving on the College of Direct Support program. Bill Lapp, of the College of Direct Support, will be brought in.

Several questions were asked about this initiative:

- 1) Is there any move to get the program approved by the college system, to be available in colleges for credit? Pat stated that she would check on this.
- 2) What plan is there for incentivizing it? Pay rates, etc? Getting providers to buy in? A. This all still has to be worked out.
- 3) Is there new money for this initiative? A. No new money, money may have to be re-directed.

Steve expressed the Council's desire to renew its involvement in this initiative and process as it moves forward. Pat will keep the Council posted as it evolves, and offered to provide another update at the next quarterly meeting.

A question was raised about the Supported Employment Leadership Network. Pat reported that Cassandra will head this up, and that she (Pat) has a conference call regarding it later in the day.

A question was also raised about the National Core Indicator's (NCI) project. Pat reports the Division will do the survey every other year, and the next survey will be completed in 2009.

Pat informed the Council that the DHHR has contracted with the UCED on a traumatic brain injury (TBI) initiative. There is a state-wide coordinator and six regional coordinators. They are contacting individuals on the registry to determine needs. One need is mental health services, which are available in the State. Another need is for cognitive re-training, which is not available in the State. The DHHR is hoping to bring such training to WV.

A question was raised regarding direct care staff pay rates. With the raise in minimum wage, the competition for staff will be greater than it already is. Pat responded that when rates have been raised, providers have not

necessarily passed the increase on to staff. She plans to research whether other states have legislated/mandated the increase be passed on to staff.

**MR/DD Waiver Budgets – Randy Hill, APS Healthcare:** Randy provided the Council an update on the budget process for the MR/DD Waiver now that the assessment based budgets have begun. The new budget process went into effect for everyone whose annual meeting date was July 1<sup>st</sup> or later.

APS has received a list of concerns from providers and has met once to begin reviewing them. They will meet again this week. Providers feel the new process has changed the role of service coordinators. He stated it has also increased their accountability.

APS has been running the assessment process for two years now. The first year's round of assessments was used to get information to help develop the formulas to be used, but a claims-based budget was still being used.

Now that an assessment-based budget approach is being used, the difference is sometimes quite significant.

APS has been told it is not uncommon to take three or more years to implement a budget-based model. At a recent national conference, they were also told it is one of the fairest ways to allocate dollars.

APS expects to be negotiating many of the budgets.

Randy reported that 2/3 of Waiver recipients live with their families, and the other 1/3 live in their own homes or group homes. The budget is to be based on an individual's need, and living settings may not have an impact on the budget.

APS realizes a budget may be much lower than needed to support a person in a 24-hour setting, and they will negotiate increases to cover staffing. This may not allow money for all the services listed on an individual's plan.

APS is currently preparing for their next round of focus groups.

Members asked questions to clarify the use of transportation miles allowed.

Randy reported that APS' requirement for responding to requests is a five day turnaround. Prior to the assessment based budgets going into effect,

requests were being handled in less than 24 hours. This has slowed down considerably, and it is now taking five days. Sometimes the answer on day five is a request for further documentation, which means more time for a decision to be made. Randy does not see this time frame improving any time soon.

Questions were raised about the negotiation process. Randy explained that often when a service coordinator is asked if all the services submitted are necessary, they are not. It is still not uncommon for service coordinators to request authorization for more services than are needed. APS may request additional documentation to justify requests, including schedules.

A review of documentation may lead to approval, or to further negotiation. If, at the end of the negotiation process, there is not agreement, the individual and/or guardian can file an appeal and go to the Medicaid Fair Hearing process. Members do not appeal the budget; rather, they appeal the service. The intent is to be able to “cash in” services for something that is needed more. This is a basis for “person directed services.”

Randy is not aware of any individuals who have had to change their residence due to the budget being too low.

A question was raised about assessments only allowing one behavior issue to be addressed when an individual may have many that need to be addressed.

Randy advised that the ICAP evaluation tool asks about negative behaviors, and then requires that one most significant, critical behavior be chosen. This does not limit the team to address only the one behavior. A behavior support plan can address all needs, however, a plan, and the staff needed to carry it out, will not necessarily require more staff or longer periods of time to address several behavioral issues than to address one.

**Fair Housing Initiatives Program – Katherine Randall and Jan Derry, Northern WV CIL:** Jan and Katherine informed the Council of a HUD grant they have received for the Fair Housing Initiative, for outreach and education. The NWVCIL is the first WV recipient of such a grant.

They are in the process of building a web-based housing directory.

The project will be holding two forums next month, and encouraged Members to help get the word out. A forum is scheduled for November 17

at the Waterfront Hotel in Morgantown, and November 18 at the Summit Conference Center in Charleston.

They also encouraged Members to spread the word that they need help in gathering complaints about housing issues. NWVCIL can file a complaint on behalf of an individual, but they cannot file complaints without an individual being identified as a person affected by discrimination, lack of accessibility, etc..

**Navigating Grievance Processes – Steve:** Steve informed Members he has received a draft document from Vicki Smith for the grant Dat2a received from the Council to address this issue. The document still needs some work, but will be available soon.

There is also a web page, as a result of this grant, on the Legal Aid Society of WV's website. This will be showcased at the next Council meeting.

Another part of navigating grievance processes is the toolkit mentioned earlier in the meeting that the Council is collaborating with Susan Given and WVA to develop, dealing with the education system.

### **Informational Update**

**NACDD Conference and Annual Meeting:** Jeannie, Joyce, Steve, and Linda attended the conference "Taking Flight" in Milwaukee, WI, October 6-7, 2008. Jeannie, Joyce, and Steve spoke about the various sessions they attended. Steve co-presented a session with the Director of the CT DDC and the Director of the SRV Implementation Project from MA.

**Adjournment:** By acclamation.